

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY for an order closing Avenue 13, CPUC Crossing No. 2-1016.3, D.O.T. No. 028-603-E, at its intersection with Applicant's main track Madera County, California.

Application 02-02-018
(Filed February 14, 2002)

ASSIGNED COMMISSIONER'S SCOPING MEMO

A telephonic Prehearing Conference in this matter was held on September 23, 2002 before Administrative Law Judge (ALJ) Sheldon Rosenthal. Participating were representatives of Burlington Northern Santa Fe Railway Company, County of Madera, and the Commission Staff.

The issues in the proceeding were determined to be:

1. Justification for the proposed closing of the crossing;
2. Safety at the crossing;
3. The community's present need for the crossing;
4. The future development in the area of the crossing; and
5. Whether closing would result in land-locked properties.

Other matters may be raised at the discretion of the Principal Hearing Officer.

The parties agreed to a free exchange of information. Should there be a problem in this regard it would be brought to the ALJ for resolution.

Following discussion, the parties agreed to evidentiary hearings on November 21-22 in the Commission's Courtroom, State of Office Building, 505 Van Ness Avenue, San Francisco, California. The following schedule is established:

Evidentiary hearings	November 21-22, 2002 starting at 10:00 am
Concurrent briefs	December 30, 2002
ALJ Proposed Decision	March 28, 2003
Comments	April 28, 2003
Commission Decision	May 29, 2003

If briefs are not required, these dates will be advanced.

This matter was tentatively designated to be a ratesetting matter. That designation is affirmed. It was tentatively determined that a hearing would not be necessary. A hearing is now required.

IT IS RULED that:

1. The Administrative Law Judge is the Principal Hearing Officer.
2. The preliminary designation of this proceeding as ratesetting is affirmed.
3. An evidentiary hearing is necessary.
4. The issues to be determined include those stated in the body of this Memo.
5. The schedule to be followed is as stated in the body of this Memo.

Dated September 30, 2002, at San Francisco, California.

/s/ MICHAEL R. PEEVEY

Michael R. Peevey
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Scoping Memo on all parties of record in this proceeding or their attorneys of record.

Dated September 30, 2002, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.